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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,075	10/31/2000	Jose J. Garcia-Luna-Aceves	59864.00120	1257

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/703,075

Applicant(s)

GARCIA-LUNA-ACEVES ET AL.

Examiner

Justin M Philpott

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

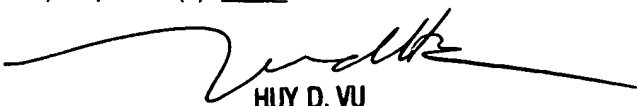
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive.

Specifically, applicant argues (pages 7-8) that Meier '436 does not teach using the scheduling information to determine a schedule for the plurality of collocated nodes for transmission between the collocated and each of the plurality of non-collocated nodes. However, as discussed in the previous office action, and repeated herein, Meier '436 teaches collocated nodes exchange scheduling information with one another over the second interface (e.g., see col. 3, line 4 – col. 4, line 19), wherein the scheduling information is associated with transmissions between the plurality of collocated nodes and each of the non-collocated nodes on the first interface (e.g., RF links 106 and 114). The scheduling information determines a schedule (spanning tree, see col. 3, lines 49-55) for the plurality of collocated nodes (e.g., bridges 24 and 42) for transmission between the plurality of collocated nodes and each of the plurality of non-collocated nodes (e.g., bridges 40 and 50) on the first interface. Thus, applicant's argument is not persuasive.

Further, applicant argues (page 8,) that Meier '436 fails to disclose incoming and outgoing collision-free links of the first node that are already scheduled as recited in claims 1, 12 and 18. However, as discussed in the previous office action, Meier '436 teaches maintaining a spanning tree which comprises the incoming and outgoing collision-free links of the nodes (e.g., see col. 21, lines 10-13). Further, Meier '436 teaches the schedule packet (e.g., HELLO packet/message, see col. 21, lines 17-20) transmits messages maintaining the local information, wherein the local information comprises information that specifies how communication packets received should flow through the bridging node toward the destination (e.g., see col. 21, lines 5-9). That is, the local information within the schedule packet comprises information regarding the spanning tree. Thus, Meier '436 teaches the schedule packet (e.g., HELLO packet) comprises incoming and outgoing collision-free links (e.g., local information corresponding to the spanning tree) of the first node that are already scheduled. Thus, applicant's argument that Meier '436 fails to teach such a limitation is not persuasive.

Still further, applicant argues that since five references have been combined to teach limitations of applicant's claims, there lacks a motivation for such a combination. However, the previous office action clearly recites specific motivation for each combination of references. Further, in response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Thus, applicant's argument is not persuasive.